THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 155 of 2006

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DATED: 04.01.2006

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Between:

Vijay Bhaskara Chary

... PETITIONER

AND

The District Collector,

Mhaboobnagar,

Mahaboobnagar District & others.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 155 of 2006

ORDER:-

This writ petition is filed to declare the action of the 2nd respondent in suspending the proceedings, dated 18.05.2005, as per the instructions issued by the 1st respondent under the Act, as illegal, arbitrary and violative of Article 14,21 and 191) (g) of the Constitution of India.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was appointed as fair price shop dealer in respect of shop No.1 of Palem village, Bijnepally Mandal, Mahaboobnagar District, vide proceedings, dated 23.02.2002, issued by the Revenue Divisional Officer, Nagarkarnool. Thereafter, the Mandal Revenue Officer, Bijnepally Mandal, granted licence for distribution of essential commodities in the month of July 2002. It is stated that the petitioner has been distributing the essential commodities without any complaint whatsoever. While so, the Revenue Divisional Officer, Nagarkarnool vide proceedings No.J/574/2005, dated 18.05.2005, suspended the authorization of the petitioner, pending enquiry.

A perusal of the said proceedings of the Revenue Divisional Officer goes to show that the Joint Collector vide his proceedings No.CSI/410/2005, dated 11.05.2005, directed to take necessary action for suspension of the authorization of the petitioner on the allegation that he has made some irregularities in distributing the Food For Work Rice in the village.

No doubt, if any irregularities have been committed by the petitioner in respect of the distribution of Food For Work Rice, it is also one of the ground to suspend the authorization, pending enquiry, but without furnishing any particulars of the alleged irregularities in distributing the Food For Work Rice, I am of the opinion that the suspension of the authorization is illegal and that too on the orders of the appellate authority is unsustainable.

It is stated that when the authorization itself has been suspended basing on the directions of the appellate authority, there is no effective alternative remedy available to the petitioner. It is stated that though no revision is maintainable, the petitioner filed a representation before the Collector, but the Collector did not interfere with the order of the Joint Collector, as it is not a statutory revision filed against him.

Having regard to the facts and circumstances of the case, I am of the opinion that the suspension, pending enquiry, based on the direction of the appellate authority, without specifying the specific irregularities, is unsustainable and accordingly the impugned order is set-aside. It is needless to mention that once the suspension order, pending enquiry, is set-aside the petitioner is entitled to distribute the essential commodities to the cardholders.

However, the Revenue Divisional Officer, Nagarkurnool, is at liberty to issue a show cause notice and take appropriate disciplinary action against the petitioner in accordance with law after giving reasonable opportunity to the petitioner.

Accordingly, the writ petition is allowed. No order as to costs.

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04.01.2006

Note:- Issue CC in Two days.

B/o.

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